

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

LEON TASBY,

Petitioner,

V.

2:08-CV-0138

NATHANIEL QUARTERMAN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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CLERK, U.S. DISTRICT COURT
By _____
Deputy

ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION
and DENYING PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner has filed with this Court a petition for a writ of habeas corpus challenging the results of a prison disciplinary proceeding. On October 7, 2008, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the petition for a writ of habeas corpus be denied as petitioner is factually ineligible for mandatory supervised release because he is serving a life sentence. On October 16, 2008, petitioner filed objections to the Report and Recommendation.

The undersigned United States District Judge has made an independent examination of the record in this case. Petitioner's objections are without merit and are hereby OVERRULED.¹ The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the

¹Texas case law refuses to interpret the state mandatory release statute to mandate a life-sentenced inmate's release to mandatory supervision. See *Boykin v. State*, 818 S.W.2d 782, 785 (Tex.Crim.App. 1991); *Ex parte Franks*, 71 S.W.3d 327, 328 (Tex.Crim.App. 2001).

petition for a writ of habeas corpus filed by petitioner is DENIED.

IT IS SO ORDERED.

ENTERED this 21st day of October 2008.

Mary Lou Robinson
MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE